

**AG**

# AG Nessel Joins DOJ Lawsuit Against Google for Anticompetitive Practices in Digital Advertising

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## AG Press

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**LANSING** – Michigan Attorney General Dana Nessel has joined 16 other Attorneys General in a lawsuit filed by the U.S. Justice Department against Google for monopolizing multiple digital advertising technology products in violation of Sections 1 and 2 of the Sherman Act.

The lawsuit was filed in the U.S. District Court for the Eastern District of Virginia. It alleges that Google monopolizes the “ad tech stack,” or key digital advertising technologies, that website publishers depend on to sell ads and that advertisers rely on to buy ads and reach potential customers. Website publishers use ad tech tools to generate advertising revenue that supports the creation and maintenance of a vibrant open web.

The complaint alleges that Google, over the past 15 years, engaged in a course of anticompetitive and exclusionary conduct. In doing so, the lawsuit maintains, Google has cemented its dominance in the tools relied on by website publishers and online advertisers, as well as the digital advertising exchange that runs ad auctions.

Google’s anticompetitive conduct has included:

- **Acquiring Competitors:** Engaging in a pattern of acquisitions to obtain control over key digital advertising tools used by website publishers to sell advertising space;

- **Forcing Adoption of Google's Tools:** Locking in website publishers to its newly-acquired tools by restricting its unique, must-have advertiser demand to its ad exchange, and in turn, conditioning effective real-time access to its ad exchange on the use of its publisher ad server;
- **Distorting Auction Competition:** Limiting real-time bidding on publisher inventory to its ad exchange, and impeding rival ad exchanges' ability to compete on the same terms as Google's ad exchange; and
- **Auction Manipulation:** Manipulating auction mechanics across several of its products to insulate Google from competition, deprive rivals of scale, and halt the rise of rival technologies.

With the lawsuit, Justice Department and state Attorneys General hope to restore competition in these important markets and obtain monetary relief on behalf of the American public.

"The power that Google wields in the digital advertising space has had the effect of either pushing smaller, less ubiquitous companies out of the market or making them beholden to Google ads to market their clients' products," Nessel said. "This is monopoly behavior and I'm glad to join the DOJ's lawsuit to loosen Google's grip on digital marketing and make it more equitable for small businesses."

"We look forward to litigating this important case alongside our state law enforcement partners to end Google's long-running monopoly in digital advertising technology markets," said Assistant Attorney General Jonathan Kanter of the Justice Department's Antitrust Division. "Today we welcome the States of Arizona, Illinois, Michigan, Minnesota, Nebraska, New Hampshire, North Carolina, Washington, and West Virginia who join our existing coalition of eight co-plaintiff states, to deliver the benefits of competition to website publishers, digital advertisers, and the American public."

Google now controls the digital tool that nearly every major website publisher uses to sell ads on their websites (publisher ad server); it controls the dominant advertiser tool that helps millions of large and small advertisers buy ad inventory (advertiser ad network); and it controls the largest advertising exchange (ad exchange), a technology that runs real-time auctions to match buyers and sellers of online advertising.

In 2020, the Justice Department filed a civil antitrust suit against Google for monopolizing search and search advertising, which are different markets from the digital advertising technology markets at issue in the current lawsuit. The Google search litigation is scheduled for trial in September 2023.

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